

111TH CONGRESS
1ST SESSION

S. 529

To assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Great Cats and Rare
5 Canids Act of 2009”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to provide financial re-
3 sources and to foster international cooperation—

4 (1) to restore and perpetuate healthy popu-
5 lations of rare felids and rare canids in the wild; and

6 (2) to assist in the conservation of rare felid
7 and rare canid populations worldwide.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) CITES.—The term “CITES” means the
11 Convention on International Trade in Endangered
12 Species of Wild Fauna and Flora, done at Wash-
13 ington March 3, 1973 (27 UST 1087; TIAS 8249),
14 including appendices to that convention.

15 (2) CONSERVATION.—

16 (A) IN GENERAL.—The term “conserva-
17 tion” means the methods and procedures nec-
18 essary to bring a species of rare felid or rare
19 canid to the point at which there are sufficient
20 populations in the wild to ensure the long-term
21 viability of the species.

22 (B) INCLUSIONS.—The term “conserva-
23 tion” includes all activities associated with pro-
24 tection and management of a rare felid or rare
25 canid population, including—

- 1 (i) maintenance, management, protec-
- 2 tion, and restoration of rare felid or rare
- 3 canid habitat;
- 4 (ii) research and monitoring;
- 5 (iii) law enforcement;
- 6 (iv) community outreach and edu-
- 7 cation;
- 8 (v) conflict resolution initiatives; and
- 9 (vi) strengthening the capacity of local
- 10 communities, governmental agencies, non-
- 11 governmental organizations, and other in-
- 12 stitutions to implement conservation pro-
- 13 grams.

14 (3) FUND.—The term “Fund” means the Great
 15 Cats and Rare Canids Conservation Fund estab-
 16 lished by section 4(a).

17 (4) IUCN RED LIST.—The term “IUCN Red
 18 List” means the Red List of Threatened Species
 19 Maintained by the World Conservation Union.

20 (5) RARE CANID.—

21 (A) IN GENERAL.—The term “rare canid”
 22 means any of the canid species dhole (*Cuon*
 23 *alpinus*), gray wolf (*Canis lupus*), Ethiopian
 24 wolf (*Canis simensis*), bush dog (*Speothos*
 25 *venaticus*), African wild dog (*Lycaon pictus*),

1 maned wolf (*Chrysocyon brachyurus*), and Dar-
 2 win's fox (*Pseudalopex fulvipes*) (including any
 3 subspecies or population of such a species).

4 (B) EXCLUSIONS.—The term “rare canid”
 5 does not include any subspecies or population
 6 that is native to the area comprised of the
 7 United States and Canada or the European
 8 Union.

9 (6) RARE FELID.—

10 (A) IN GENERAL.—The term “rare felid”
 11 means any of the felid species lion (*Panthera*
 12 *leo*), leopard (*Panthera pardus*), jaguar
 13 (*Panthera onca*), snow leopard (*Uncia uncia*),
 14 clouded leopard (*Neofelis nebulosa*), cheetah
 15 (*Acinonyx jubatus*), Iberian lynx (*Lynx*
 16 *pardina*), and Borneo bay cat (*Catopuma badia*)
 17 (including any subspecies or population of such
 18 a species).

19 (B) EXCLUSIONS.—The term “rare felid”
 20 does not include—

21 (i) any species, subspecies, or popu-
 22 lation that is native to the United States;

23 or

24 (ii) any tiger (*Panthera tigris*).

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 4. GREAT CATS AND RARE CANIDS CONSERVATION**
4 **FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 multinational species conservation fund established under
7 the heading “MULTINATIONAL SPECIES CONSERVATION
8 FUND” of title I of the Department of the Interior and
9 Related Agencies Appropriations Act, 1999 (16 U.S.C.
10 4246), a separate account to be known as the “Great Cats
11 and Rare Canids Conservation Fund”, consisting of—

12 (1) amounts transferred to the Secretary of the
13 Treasury for deposit in the account under subsection
14 (c); and

15 (2) amounts appropriated to the account under
16 section 7.

17 (b) EXPENDITURES FROM FUND.—

18 (1) IN GENERAL.—Subject to paragraph (2), on
19 request by the Secretary, the Secretary of the Treas-
20 ury shall transfer from the Fund to the Secretary,
21 without further appropriation, such amounts as the
22 Secretary determines to be necessary to provide as-
23 sistance under section 5.

24 (2) ADMINISTRATIVE EXPENSES.—Of the
25 amounts in the Fund available for each fiscal year,

1 the Secretary may use to pay the administrative ex-
 2 penses of carrying out this Act not more than the
 3 greater of—

4 (A) 3 percent; and

5 (B) \$100,000.

6 (c) ACCEPTANCE AND USE OF DONATIONS.—

7 (1) IN GENERAL.—The Secretary may—

8 (A) accept and use donations to provide
 9 assistance under section 5; and

10 (B) publish on the Internet website and in
 11 publications of the Department of the Interior
 12 a notice that the Secretary is authorized to ac-
 13 cept and use such donations.

14 (2) USE.—Amounts received by the Secretary
 15 in the form of donations shall be transferred to the
 16 Secretary of the Treasury for deposit in the Fund.

17 **SEC. 5. FINANCIAL ASSISTANCE.**

18 (a) IN GENERAL.—Subject to the availability of
 19 funds and in consultation with other appropriate Federal
 20 officials, the Secretary shall use amounts in the Fund to
 21 provide financial assistance for projects for the conserva-
 22 tion of rare felid and rare canids for which project pro-
 23 posals are approved by the Secretary in accordance with
 24 this section.

25 (b) PROJECT PROPOSALS.—

1 (1) ELIGIBLE APPLICANTS.—A proposal for a
2 project for the conservation of rare felid and canids
3 may be submitted to the Secretary by—

4 (A) any wildlife management authority of
5 a country that has within its boundaries any
6 part of the range of a rare felid or rare canid
7 species, respectively; and

8 (B) any person or group with the dem-
9 onstrated expertise required for conservation in
10 the wild of rare felids or rare canids, respec-
11 tively.

12 (2) PROJECT PROPOSALS.—To be eligible for fi-
13 nancial assistance for a project under this Act, an
14 applicant shall submit to the Secretary a project
15 proposal that includes—

16 (A) a concise statement of the purposes of
17 the project;

18 (B) the name of the individual responsible
19 for conducting the project;

20 (C) a description of the qualifications of
21 the individuals who will conduct the project;

22 (D) a concise description of—

23 (i) methods for project implementa-
24 tion and outcome assessment;

25 (ii) staffing for the project;

1 (iii) the logistics of the project; and

2 (iv) community involvement in the
3 project;

4 (E) an estimate of funds and time required
5 to complete the project;

6 (F) evidence of support for the project by
7 appropriate governmental entities of the coun-
8 tries in which the project will be conducted, if
9 the Secretary determines that such support is
10 required for the success of the project;

11 (G) information regarding the source and
12 amount of matching funding available for the
13 project; and

14 (H) any other information that the Sec-
15 retary considers to be necessary for evaluating
16 the eligibility of the project for funding under
17 this Act.

18 (c) PROJECT REVIEW AND APPROVAL.—

19 (1) IN GENERAL.—The Secretary shall—

20 (A) not later than 30 days after receiving
21 a project proposal, provide a copy of the pro-
22 posal to the appropriate Federal officials; and

23 (B) review each project proposal in a time-
24 ly manner to determine whether the proposal
25 meets the criteria specified in subsection (d).

1 (2) CONSULTATION; APPROVAL OR DIS-
 2 APPROVAL.—Not later than 180 days after receiving
 3 a project proposal, and subject to the availability of
 4 funds, the Secretary, after consulting with other ap-
 5 propriate Federal officials, shall—

6 (A) ensure the proposal contains assur-
 7 ances that the project will be implemented in
 8 consultation with relevant wildlife management
 9 authorities and other appropriate government
 10 officials with jurisdiction over the resources ad-
 11 dressed by the project;

12 (B) approve or disapprove the proposal;
 13 and

14 (C) provide written notification of the ap-
 15 proval or disapproval to—

16 (i) the individual or entity that sub-
 17 mitted the proposal;

18 (ii) other appropriate Federal offi-
 19 cials; and

20 (iii) each country within the borders
 21 of which the project will take place.

22 (d) CRITERIA FOR APPROVAL.—The Secretary may
 23 approve a project proposal under this section if the project
 24 will contribute to conservation of rare felids or rare canids
 25 in the wild by assisting efforts—

1 (1) to implement conservation programs;

2 (2) to address the conflicts between humans
3 and rare felids or rare canids, respectively, that arise
4 from competition for the same habitat or resources;

5 (3) to enhance compliance with CITES, the En-
6 dangered Species Act of 1973 (16 U.S.C. 1531 et
7 seq.), and other applicable laws that—

8 (A) prohibit or regulate the taking or trade
9 of rare felids and rare canids; or

10 (B) regulate the use and management of
11 rare felid and rare canid habitat;

12 (4) to develop sound scientific information on,
13 or methods for monitoring—

14 (A) the condition and health of rare felid
15 or rare canid habitat;

16 (B) rare felid or rare canid population
17 numbers and trends; and

18 (C) the ecological characteristics and re-
19 quirements of populations of rare felids or rare
20 canids for which there are little or no data;

21 (5) to promote cooperative projects among gov-
22 ernment entities, affected local communities, non-
23 governmental organizations, and other persons in
24 the private sector; or

1 (6) to ensure that funds will not be appro-
2 priated for the purchase or lease of land to be used
3 as suitable habitat for felids or canids.

4 (e) PROJECT SUSTAINABILITY.—In approving project
5 proposals under this section, the Secretary shall give pref-
6 erence to conservation projects that are designed to ensure
7 effective, long-term conservation of rare felids and rare
8 canids and their habitats.

9 (f) MATCHING FUNDS.—In determining whether to
10 approve project proposals under this section, the Secretary
11 shall give preference to projects any portion of the costs
12 of which will be provided with matching funds.

13 (g) PROJECT REPORTING.—

14 (1) IN GENERAL.—Each individual or entity
15 that receives assistance under this section for a
16 project shall submit to the Secretary periodic reports
17 (at such intervals as the Secretary considers nec-
18 essary) that include all information that the Sec-
19 retary, after consultation with other appropriate gov-
20 ernment officials, determines to be necessary to
21 evaluate the progress and success of the project for
22 the purposes of ensuring positive results, assessing
23 problems, and fostering improvements.

24 (2) AVAILABILITY TO PUBLIC.—Reports under
25 paragraph (1), and any other documents relating to

1 projects for which financial assistance is provided
2 under this Act, shall be made available to the public.

3 (h) LIMITATIONS.—

4 (1) USE FOR CAPTIVE BREEDING OR DIS-
5 PLAY.—Amounts provided as a grant under this
6 Act—

7 (A) may not be used for captive breeding
8 or display of rare felids and rare canids, other
9 than captive breeding for release into the wild;
10 and

11 (B) may be used for captive breeding of a
12 species for release into the wild only if no other
13 conservation method for the species is bio-
14 logically feasible.

15 (2) INELIGIBLE COUNTRIES.—Amounts pro-
16 vided as a grant under this Act may not be ex-
17 pended on any project in a country the government
18 of which has repeatedly provided support for acts of
19 international terrorism, as determined by the Sec-
20 retary of State pursuant to—

21 (A) section 6(j)(1)(A) of the Export Ad-
22 ministration Act of 1979 (50 U.S.C. App.
23 2405(j)(1)(A)) (or any successor to that Act);

24 (B) section 40(d) of the Arms Export Con-
25 trol Act (22 U.S.C. 2780(d)); or

1 (C) section 620A(a) of the Foreign Assist-
2 ance Act of 1961 (22 U.S.C. 2371(a)).

3 (i) ADVISORY GROUP.—

4 (1) IN GENERAL.—To assist in carrying out
5 this Act, the Secretary may establish an advisory
6 group, consisting of individuals representing public
7 and private organizations actively involved in the
8 conservation of felids and canids.

9 (2) PUBLIC PARTICIPATION.—

10 (A) MEETINGS.—The advisory group
11 shall—

12 (i) ensure that each meeting of the
13 advisory group is open to the public; and

14 (ii) provide, at each meeting, an op-
15 portunity for interested individuals to
16 present oral or written statements con-
17 cerning items on the agenda.

18 (B) NOTICE.—The Secretary shall provide
19 to the public timely notice of each meeting of
20 the advisory group, including the meeting agen-
21 da.

22 (C) MINUTES.—The minutes of each meet-
23 ing of the advisory group shall be—

24 (i) kept by the Secretary; and

25 (ii) made available to the public.

1 (3) NONAPPLICABILITY OF FEDERAL ADVISORY
2 COMMITTEE ACT.—The Federal Advisory Committee
3 Act (5 U.S.C. App.) shall not apply to the advisory
4 group.

5 **SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND**
6 **CANID SPECIES.**

7 (a) IN GENERAL.—Not later than 90 days after the
8 date of enactment of this Act, the Secretary shall initiate
9 a study of felid and canid species listed under the IUCN
10 Red List that are not rare canids or rare felids, respec-
11 tively, to determine—

12 (1) the conservation status of each such species
13 in the wild, including identification of any such spe-
14 cies that are critically endangered or endangered;
15 and

16 (2) whether any such species that should be
17 made eligible for assistance under this Act.

18 (b) REPORT.—Not later than 2 years after date of
19 enactment of this Act, the Secretary shall submit to Con-
20 gress a report describing the determinations made in the
21 study, including recommendations of additional felid spe-
22 cies and canid species that should be made eligible for as-
23 sistance under this Act.

24 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

25 There are authorized to be appropriated—

1 (1) to the Fund, \$5,000,000 for each of fiscal
2 years 2010 through 2014 to carry out this Act,
3 other than section 6; and

4 (2) such sums as are necessary to carry out
5 section 6.

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